IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 20942 of 2004

Between:

P. Saradha, D/o. Venkataramanaiah,
R/o. Kothanalapadu Village, Kakkili Mandal, Nellore District.

..... PETITIONER

AND

1 The District Collector, Nellore.
2 The Revenue Divisional Officer, Guntur, Nellore District.
3 The Mandal Revenue Officer, Dakkili Mandal, Dakkili,

Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an order, direction or writ particularly one in the nature of Writ of Mandamus, directing the respondents not to bifurcate Kothanalapadu existing Fair Price Shop, Shop No. 4613, Dakkili Mandal, Nellore District into two Fair Price Shops namely Kothanalapadu Fair Price Shop and Koneswarabatlapalli Fair Price Shop and declare the recommendation sent by Revenue Divisional Officer, Guntur in Rc.C.3423/2004, dt. 10.2004, and the recommendations of Mandal Revenue Officer, Dakkili, Nellore District in Rc.A375/2003, dt. .09.2004 and the recommendations of the same Mandal Revenue Officer in even number dt. 22.06.2004 as illegal, as they are arbitrary and opposed to Article 14 of the Constitution of India and the Government Memo.No.148/CS.1/99-1, dt. 22.01.1999 (Government of A.P., Food, Civil Supplies & Consumer Affairs (CS.I) Department, and other earlier Government Memos.

Counsel for the Petitioner: MR.P.KRISHNA REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following:

ORDER:

Petitioner is a fair price shop dealer of Kothanalapadu Village, Dakkili Mandal, Nellore District. Her complaint is that the fair price shop is proposed to be bifurcated, and in such an event, it would become unviable and uneconomical for her to run it. She alleges that the proposal to bifurcate is mooted on political considerations.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

In a series of Judgments, this Court held that the distribution of essential commodities through fair price shops is the exclusive prerogative of the State, and no individual can claim any vested right in it. Even in the matter of bifurcation of existing shops, this Court and the Supreme Court held that such a measure has to be guided by the policy of the Government and not by the factors, such as, convenience of or hardship to the dealers. One factor, which, however, needs to be taken into account is that the Government issued a Memo, dated 22.01.1999, providing for the guidelines to be observed in the matter of establishing new fair price shops and bifurcating the existing one's. Once such a policy has been formulated by the Government, there is no reason to assume that the respondents would not follow it. If any action is taken by the respondents contrary to the guidelines contained in the Memo, she can certainly pursue her remedies.

Hence, the writ petition is disposed of directing that the respondents shall strictly adhere to the guidelines contained in the G.O., dated 22.01.1999, in the event of

bifurcating the shop, for which the petitioner is a dealer. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 10th December, 2004

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To

1 The District Collector, Nellore.
2 The Revenue Divisional Officer, Guntur, Nellore District.
3 The Mandal Revenue Officer, Dakkili Mandal, Kakkili,

Nellore District.

4. 2CCs to G.P. for Civil Supplies, High Court Buildings,

Hyderabad (OUT).

5. 2CD copies